

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP (797-1101)

SUBJECT: Resolution - Developers Agreement

Application No., Project Name and Location:
DA 9-1-01, Harmony Village Community Plat - 7575 Davie Road Extension.

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE HARMONY VILLAGE COMMUNITY PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

On September 19, 2001, Town Council is considering the Harmony Village Community Plat, which provides for the development of 22 detached single family homes, in partnership with Habitat for Humanity of Broward County, with access provided from NW 76 Avenue. The Town wishes to obtain building permits and begin construction prior to plat recordation.

Broward County requires the Town to participate in this agreement, which stipulates the Town will not issue any building permits until the Developer provides documentation of payment of impact fees due for the construction of improvements. The Town also agrees to not issue any certificates of occupancy for the plat until the plat has been recorded as noted in this agreement.

PREVIOUS ACTIONS: None

CONCURRENCES:

A variance request was approved by Town Council at the August 16, 2001 meeting, to reduce the required lot size from 7,000 square feet to a minimum of 5,310 square feet and a maximum of 6,774 square feet for 12 of the 22 platted lots. And to reduce the required lot frontage from 75 feet to a minimum of 42.76 feet to a maximum of 71.37 feet for 16 of the 22 platted lots.

A rezoning request is being considered at second reading by Town Council at the September 19, 2001 meeting, to rezone 4.2 acres of land from RM-10, Medium Density Dwelling District to R-5, Low Medium Dwelling District.

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Agreements, Plat, Land Use map, Subject Site map, and Aerial.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE HARMONY VILLAGE COMMUNITY PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Town of Davie in partnership with Habitat for Humanity of Broward County proposes to develop properties known as the Harmony Village Community Plat; and

WHEREAS, Broward County will allow the issuance of building permits while platting is in progress.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor and Town Administrator to enter into an Agreement, attached hereto as Exhibit "A", between Broward County, and the Town of Davie, whereby the Town of Davie Development Services Department shall not issue any building permits until the Developer provides for documentation of payment of impact fees due for construction of improvements; and that no certificate of occupancies will be issued until the Sessoms Plat has been recorded in the Broward County public records.

SECTION 2. The Town Administrator and Town Attorney are authorized to make and accept non-substantive revisions to the agreement in order for the agreement to be in final, recordable form.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

AGREEMENT

Between

BROWARD COUNTY

and

TOWN OF DAVIE

Relating to

THE ISSUANCE OF BUILDING PERMITS
WHILE PLATTING IS IN PROGRESS

HARMONY VILLAGE COMMUNITY PLAT

AGREEMENT

Between

BROWARD COUNTY

and

TOWN OF DAVIE

Relating to

THE ISSUANCE OF BUILDING PERMITS
WHILE PLATTING IS IN PROGRESS

for

HARMONY VILLAGE COMMUNITY PLAT

This is an Agreement between: BROWARD COUNTY, a political subdivision of the state of Florida, its successors and assigns, hereinafter referred to as "COUNTY," through its Board of County Commissioners;

AND

TOWN OF DAVIE, a municipal corporation organized and existing under the laws of the State of Florida, its successors and assigns, hereinafter referred to as "TOWN."

WITNESSETH:

WHEREAS, TOWN, is the owner of a certain parcel of land, described in Exhibit "A" attached hereto and hereinafter referred to as the * Plat, Plat No. 55-MP-01, which Plat property is situated within the TOWN OF DAVIE, and upon which parcel of land TOWN contemplates the construction of 22 single family units; and

WHEREAS, TOWN is now desirous of issuing building permits so that TOWN may construct the 22 single family units, hereinafter referred to as the "Improvements" within the boundaries of said Plat; and

* Harmony Village Community

WHEREAS, the TOWN may not ordinarily issue building permits for construction of said Improvements within the boundaries of the _____*_____ Plat, prior to plat approval and recordation thereof; and

WHEREAS, the COUNTY and TOWN have agreed that, prior to the issuance of building permits, the parties shall enter into an Agreement setting forth specific conditions applicable to the issuance of such building permits; and

WHEREAS, this AGREEMENT will facilitate the construction of the improvements within the boundaries of the _____*_____ Plat by the TOWN during the time that the plat of the property is being processed; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and TOWN agree as follows:

1. The above recitals are true and correct and incorporated herein.
2. The COUNTY and TOWN agree that they do not object to the TOWN issuing building permits for construction of the Improvements within the boundaries of the _____*_____ Plat prior to the approval and recordation of said Plat, provided that:
 - (a) No building permits shall be issued until TOWN has filed an application with the Broward County Development Management Division for Preliminary Plat approval of the _____*_____ Plat; and
 - (b) COUNTY and TOWN agree that no certificate of occupancy, which is complementary to the building permits, shall be issued by TOWN unless and until TOWN shall record in the Official Records of Broward County said Plat which has been approved by the Broward County Board of County Commissioners; and
 - (c) conditions 2(a), 2(b) and 2(c) shall appear on the face of the building permits issued by the TOWN.
3. The TOWN agrees that any building permits issued for construction of said Improvements shall be issued in accordance with paragraphs 2(a), 2(b), and 2(c).
4. Nothing in this Agreement shall prejudice the COUNTY's right to impose conditions on approval of the Plat covering the lands described herein which are required by COUNTY plat ordinances and regulations or are otherwise necessary

to insure the public health, safety, and welfare of the citizens of Broward County.

5. TOWN agrees not to occupy the Improvements unless and until the _____ * _____ Plat has been recorded in the public records and a certificate of occupancy has been issued.
6. In the event TOWN does not record the _____ * _____ Plat within the eighteen (18) months from the date of COUNTY approval, as required by Chapter 5, Article IX, Section 5-190(E), CITY agrees to immediately cease all construction activities on the subject premises and shall forthwith remove the Improvements within three (3) months of the expiration of the recordation period.
7. The issuance of the building permits before final approval or denial of the Plat shall not be considered by COUNTY or TOWN as a grant to TOWN of any vested right whatsoever for the use, occupancy, or completion of the construction of Improvements within the boundaries of the PLAT, nor shall the COUNTY be deemed estopped from enforcing the terms of this Agreement because of the issuance of the building permits.
8. This Agreement shall be recorded in the Public Records of Broward County, Florida. Recordation of the PLAT shall be an automatic release of the obligations of TOWN set forth herein.

* Harmony Village Community

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the ____ day of _____, 20____, and TOWN OF DAVIE, signing by and through its Mayor, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners
of Broward County, Florida

By _____
Chair

____ day of _____, ____ (date)

Approved as to form by
Office of County Attorney
Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Assistant County Attorney

AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE
RELATING TO THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN
PROGRESS FOR THE HARMONY VILLAGE PLAT.
COMMUNITY

TOWN

WITNESSES:

TOWN OF DAVIE

By _____
MAYOR

____ day of _____, 20__

ATTEST:

TOWN CLERK

TOWN ADMINISTRATOR

____ day of _____, 20__

(CORPORATE SEAL)

APPROVED AS TO FORM:

By: _____
ATTORNEY

SLC:lt
1/9/97
pinespar.a01

EXHIBIT A

DESCRIPTION

ALL OF THAT PART OF TRACT 64 LYING NORTH OF DAVE ROAD EXTENSION, OF "A.J. BENDLE'S SUB." OF SECTION 3, TOWNSHIP 51 SOUTH, RANGE 41 EAST AS RECORDED IN PLAT BOOK 1, PAGE 27 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE NORTH 20.00 FEET THEREOF, FOR ROAD RIGHT OF WAY, TOGETHER WITH: LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 1 OF "DRIFTWOOD ESTATES NO. 21" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 52, PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 64, SECTION 3, TOWNSHIP 51 SOUTH, RANGE 41 EAST, OF "A.J. BENDLE'S SUB.", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 27 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; TOGETHER WITH ALL OF LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 1, OF "DRIFTWOOD ESTATES NO. 21", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 52, PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; SAID PORTIONS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 10 OF "HARMONY VILLAGE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162, PAGE 37 OF SAID PUBLIC RECORDS OF BROWARD COUNTY; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 3, NORTH 87°45'46" EAST 54.26 FEET; THENCE SOUTH 02°14'14" EAST 30.00 FEET TO THE POINT OF BEGINNING ON THE SOUTH RIGHT OF WAY LINE OF NW 33rd STREET, AS DESCRIBED IN OFFICIAL RECORD BOOK 5986, PAGE 132 OF SAID PUBLIC RECORDS OF BROWARD COUNTY; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 87°45'46" EAST 333.08 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE BEING THE WESTERLY RIGHT OF WAY LINE OF N.W. 75th TERRACE AS SHOWN ON SAID PLAT OF "DRIFTWOOD ESTATES NO. 21"; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: (1) SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°46'27", AN ARC DISTANCE OF 39.61 FEET TO A POINT OF TANGENCY; (2) SOUTH 01°27'47" EAST 364.30 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; (3) SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°01'03", AN ARC DISTANCE OF 28.81 FEET TO A POINT OF TANGENCY OF THE NORTHERLY RIGHT OF WAY LINE OF DAVE ROAD EXTENSION AS SHOWN ON BROWARD COUNTY ENGINEERING DIVISION DAVE ROAD EXTENSION PROJECT NO. 5141; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 64°33'16" WEST 76.83 FEET; (2) NORTH 01°27'40" WEST 10.95 FEET; (3) SOUTH 64°33'16" WEST 287.75 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; (4) NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 113°59'16", AN ARC DISTANCE OF 49.74 FEET TO A POINT OF TANGENCY ON THE EASTERLY RIGHT OF WAY LINE OF N.W. 76th AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 5986, PAGE 132 OF SAID PUBLIC RECORDS OF BROWARD COUNTY; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 01°27'28" WEST 497.03 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 82°13'14" AN ARC DISTANCE OF 38.93 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVE, BROWARD COUNTY, FLORIDA AND CONTAINING 183,216 SQUARE FEET (4.206 ACRES) MORE OR LESS.

"HARMONY VILLAGE COMMUNITY"

A GROUP OF LOTS, TO BE KNOWN AS "HARMONY VILLAGE COMMUNITY", IS SHOWN ON THE PLAT OF "HARMONY VILLAGE COMMUNITY" AND A PART OF THE PLAT OF "HARMONY VILLAGE COMMUNITY" IS SHOWN ON THE PLAT OF "HARMONY VILLAGE COMMUNITY" FOR THE CITY OF DAVENPORT, FLORIDA.

TOWN OF DAVENPORT, FLORIDA

THE CITY OF DAVENPORT, FLORIDA, HAS THE HONOR TO CERTIFY THAT THE PLAT OF "HARMONY VILLAGE COMMUNITY" IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF DAVENPORT, FLORIDA, ON THE 15TH DAY OF MAY, 1964, AT 10:00 A.M.

THE CITY OF DAVENPORT, FLORIDA, HAS THE HONOR TO CERTIFY THAT THE PLAT OF "HARMONY VILLAGE COMMUNITY" IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF DAVENPORT, FLORIDA, ON THE 15TH DAY OF MAY, 1964, AT 10:00 A.M.

James L. Clark
CITY CLERK

John P. Smith
CITY CLERK



RECORD COUNTY PLANNING BOARD
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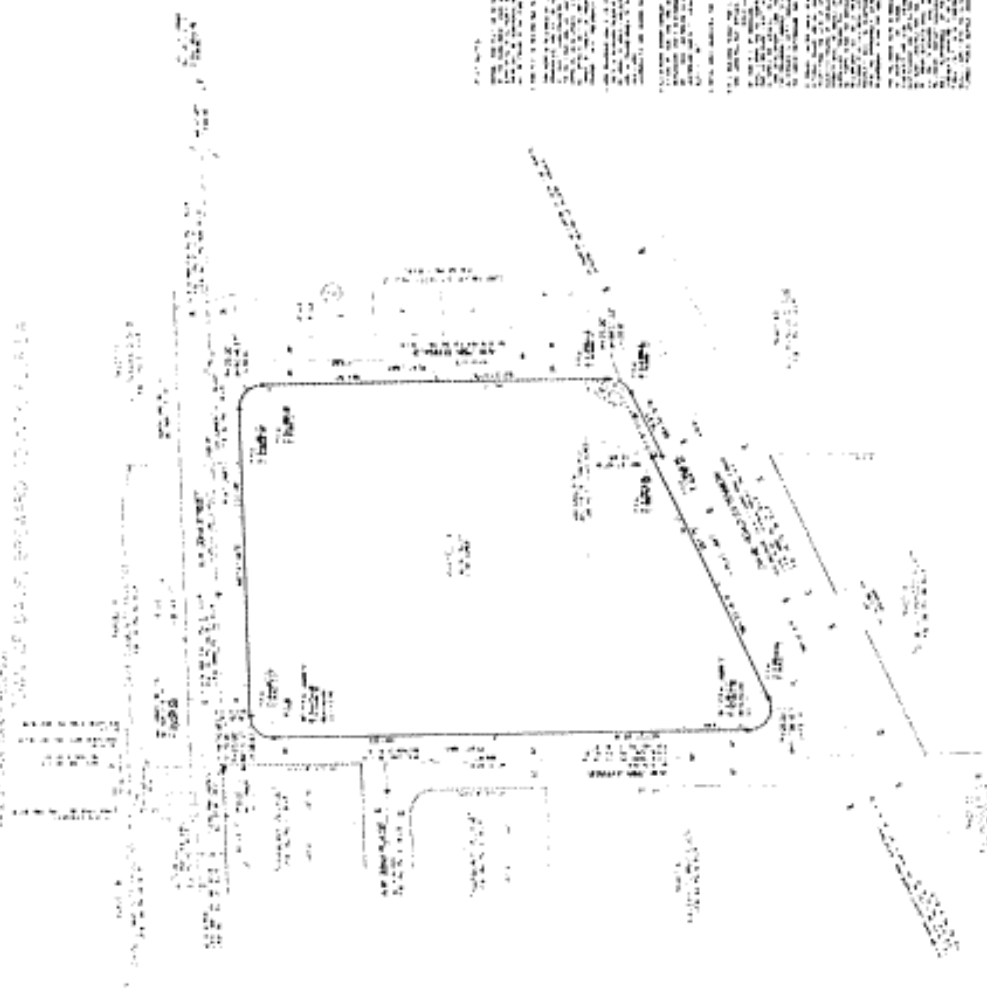
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